



Policy: 1161
Procedure: 1161.02
Chapter: Inspections and Investigations
Rule: Juvenile Interviews and Interrogations

Effective: 7/27/08
Replaces: 1160.08
Dated: 03/27/06

Purpose:

Arizona Department of Juvenile Corrections (ADJC) secure facilities shall provide access to juveniles to be interviewed and/or interrogated by any law enforcement officer acting in an official capacity and conducting an official criminal investigation and/or inquiry. This accommodation could include the secure transportation of the juvenile to an offsite location for the interview/interrogation and/or investigatory purpose. This does not apply to ADJC normal programmatic interviews; i.e., placement interviews, psychological evaluations, or interviews associated with an ADJC approved research project.

Rules:

1. **EMPLOYEES** shall direct all outside law enforcement requests for an interview/interrogation to the juvenile's Superintendent or designee. **EMPLOYEES** shall:
 - a. Forward incoming phone calls with such a request to the Superintendent;
 - b. If the Superintendent is unavailable, the **EMPLOYEE RECEIVING THE REQUEST** shall:
 - i. Take appropriate information, juvenile name and the affiliation and the phone number of the requesting party, and forward this information to the Superintendent;
 - ii. Advise the requestor that all arrangements shall be made by the Superintendent or designee.
2. The **SUPERINTENDENT OR DESIGNEE** shall reasonably accommodate the interview of the juvenile by Law Enforcement Officers or ADJC Special Investigators.
3. The application of the Miranda Rights to juvenile suspects is governed by Arizona case law and best practices.
 - a. This practice applies only to juveniles, and it restricts the way an officer shall interview a juvenile;
 - b. The practice is:
 - i. No extra-judicial statement to a peace officer or court officer by the child shall be admitted into evidence in juvenile court over objection unless the person offering the statement demonstrates to the satisfaction of the court that:
 - (1) The statement was voluntary;
 - (2) Before making the statement, the juvenile was informed and intelligently comprehended that s/he need not make a statement;
 - (3) That any statement made might be used in a court proceeding;
 - (4) That s/he had the right to consult with counsel prior to making a statement and during the taking of the statement; and
 - (5) That, if s/he or his/her parents, guardian, or custodian could not afford an attorney, the court would appoint one for him/her, prior to questioning.
 - c. The practice requires clear proof that a juvenile knowingly and intelligently waived all of the Miranda Rights prior to being questioned or making an admission that can be used in court.
4. The **ADJC INVESTIGATOR** shall provide the Miranda Rights to the juvenile.
 - a. If an explanation is needed for the juvenile to understand the rights, then the **INVESTIGATOR** shall provide the explanation;
 - b. If the juvenile invokes his/her Miranda rights, the **INVESTIGATOR** shall cease all questioning.

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5. The **INVESTIGATOR** shall take into consideration the age and psychological state of the juvenile when conducting the interview and keep the duration of the interview a reasonable length.
 - a. If an **INVESTIGATOR** believes the juvenile is incapable of intelligently understanding the Miranda Rights due to age or mental condition, s/he shall not question the juvenile.
6. When a juvenile commits a serious offense, the possibility exists that s/he may be remanded to adult court for prosecution. In these situations the **INVESTIGATOR** shall advise the juvenile of the remand possibility.

Signature Date

7.7-08

Approved by Process Owner



John Dempsey,
Inspections and Investigations Chief Administrator

Effective Date

7/27/08

Approved by



Michael D. Branham, Director